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To: Microsoft ATR
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Subject: Microsoft Settlement

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Under the Tunney Act, I am commenting on the proposed DoJ-Microsoft settlement.

Microsoft's behavior over the last several years has been arrogant, greedy, anti-competitive, belligerent and ruthless. Bill Gates was extremely combative and uncooperative in giving his deposition during the anti-trust trial and that is a perfect reflection of Microsoft.

They entered into exclusive agreements with ISPs to only distribute IE. They threatened OEMs if they tried to distribute the Netscape browser. They intentionally tied IE into Windows so that it couldn't be easily uninstalled. They could have created IE so that a few core DLL files that are used for rendering HTML by third-party applications are left and the rest of IE could be uninstalled, but Microsoft deliberately chose not to provide that option. Microsoft claimed that IE can't be removed, but they were proved wrong by, of all people, a biologist (!), that runs the www.98lite.net Web site. Even though most users would agree IE is superior to Netscape, Microsoft's very rapid increase in browser market share cannot be explained by that superiority, but can only be explained by bundling IE and making it the default browser on all versions of Windows from OSR2 up to XP.

Microsoft continually harps about their "freedom to innovate" but when a giant like Microsoft supposedly innovates, no one else can, because Microsoft won't let them. They are crushed under the foot of the giant, as Netscape and many others can testify. And Microsoft doesn't really innovate anything. DOS was based on an operating system they bought. The Windows GUI was based on the work of XEROX PARC. Word and Excel are just copies of other companies' ideas. Power Point was bought from another company. Java was invented by Sun and JavaScript was invented by Netscape. IE was based on the Mosaic browser source code that Microsoft purchased. MSN was created specifically to attack AOL.

Windows Messenger was specifically created to attack AOL's IM client and will almost certainly meet the same fate as Netscape's browser. Winamp will eventually be crushed by Media Player. Most Windows users are too dumb to realize there are better third-party products than what Microsoft bundles. Users won't go out and download Netscape 6.2 or AOL IM or Winamp because they have what they need. And then all the competing products disappear because no one knows they exist and then Microsoft's monopoly is expanded into even more markets than operating systems. And the juggernaut marches on in search of still other companies and products to steam roll. Who's next? Palm? WinZip? Firewall products? Anti-virus products? Real Player?

Now Microsoft has left Java out of Windows XP because they want to kill it off and replace it with C#. And they deliberately aren't providing .NET or C# support for Linux because they want to kill it off too. And they've dropped support for the plugins that are supported by the Netscape browser, forcing plugin developers to write ActiveX controls. And recording studios are now shipping copy protected music CDs which have Windows Media-encoded versions of the music for playing on a computer. But the Microsoft-proprietary music file format can only be played on Windows computers, leaving Linux users in the dark. And the X Box is a ploy to get Windows into everyone's living room. I'm sure there are countless other examples I haven't thought of.

I firmly believe that in the near future, Microsoft will switch Windows to a subscription-based pricing scheme, much like AOL, MSN or a private ISP. You'll be required to pay \$20 a month to use Windows or your computer will stop functioning. Don't think they won't try to do it because they can and if they decide to do it, what choice do any of us have?

Microsoft has such a stranglehold on the desktop market that they can extort as much money from companies as they choose. They've recently changed their licensing scheme to force customers to upgrade more often

or else they will have to buy the full version instead of an upgrade. This which will cost companies more, making Microsoft even richer. And it's not as if they need more money. They're sitting on an estimated \$36 billion in cash and they're one of the few companies that's still very profitable even with the economy in recession. It doesn't take a genius to see why they're still profitable. It's because they have millions of individual users and businesses firmly by the balls.

What's a company going to do if the don't agree to Microsoft's terms? Switch to Macintosh or Linux? Either of those alternatives probably aren't too appealing to most companies. Mac hardware is expensive and Linux isn't quite user-friendly for most users. And the training and support costs would be enormous for either. Most companies will reluctantly pay the costs that Microsoft demands because there really aren't any viable competitors to choose from. And just imagine a world without Mac and Linux. If the market for Macs continues to shrink, and Apple finally decides to kill it off, then Linux will be the only other choice.

Can you think of any other market in which there is only one viable choice? Imagine if there was only one automobile manufacturer and they only sold two makes of cars. Or one television manufacturer that sells two models. This is analogous to Microsoft selling Windows 2000 and XP. The companies in markets where consumers only have one choice, such as electricity, natural gas or telephone, are regulated monopolies because it's necessary to prevent customers from being gouged by a greedy business. Why should Microsoft be an exception to this rule?

The so-called "punishment" that was agreed to by the DoJ and Microsoft is not even the equivalent to a slap on the wrist. The executives at Microsoft must be jumping for joy at having received such a light sentence. It's the equivalent of a serial killer being given community service and being placed on 30-day probation. What a f---ing joke. The millions spent on the anti-trust trial so far have been wasted if we let Microsoft off with the current (pathetic) agreement. We need to get something back from what we've spent so far and that means real punishment with sharp teeth. Microsoft should have no say in its punishment. Do we give serial killers a choice about how many years they're sentenced to or whether they would like the death penalty? We need anti-loop-hole clauses that threaten Microsoft with a death penalty, such as forcing them to release the source code to Windows, if they try to do something sneaky like finding a loophole to get out of a restriction and effectively raising their middle finger to the DoJ. Never ever underestimate how devious they are capable of being. If you turn your back for a split second they will shoot or stab you in the back. An absolutely air-tight agreement is mandatory.

Some ideas for effective forms of punishment for Microsoft include:

1. Force them to document the file formats used by Word, Excel, Power Point, Access, etc. so other companies can make fully compatible products, thereby increasing competition, which will increase the quality of the products, drive down the currently outrageous prices and give individual consumers and businesses a real choice
2. Force them to distribute a version of Windows without IE, Media Player, Windows Messenger, the firewall, etc. at a discounted price
3. Make IE source code available under a reasonable license
4. Prevent Microsoft from being able to punish OEMs that choose to distribute alternative operating systems like Linux or alternative browsers like Netscape or Opera on their desktop systems
5. Under anti-trust law, Microsoft must be denied the fruits that they've enjoyed from abusing their monopoly power, therefore they must be fined an appropriate amount of money, enough so that it will be a serious deterrent from future infractions
6. As long as Microsoft controls more than X percent of the desktop market, say 75%, force Microsoft to license the source code to all future versions of Windows to third-party companies for a reasonable

price, including the ability of those companies to distribute their own customized versions of the operating system

7. Force them to document all communication APIs such as file and printer sharing or things like the NTFS filesystem, and prevent them from using sleazy tactics like patenting these technologies or forbidding reverse engineering to prevent others from making inter-operable products, like SAMBA.

8. Force them to make Linux versions of products such as IE, Office, Media Player, etc. to promote competition on the desktop

9. Continually monitor Microsoft's power and market share in all the different markets that they are attempting to gain monopoly power in and if they start to become too powerful in a market, actions must be taken to promote competition

10. Force all APIs to be documented so products like Wine, LindowsOS, Win4Lin, etc. can provide complete support for Windows under Linux

The thought of a world where numerous markets are controlled by a malevolent monopoly like Microsoft is chilling and should be of great concern to everyone. Please take steps to ensure that significant competition is promoted in any markets that they are attempting to gain a choke hold in so that consumers can have the benefits of superior product quality, lower prices and more than one choice.

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